

California Regional Water Quality Control Board Central Valley Region

Additional Information on Why We Requested a Report of Waste Discharge and What Will Follow

The following provides supplemental information on the request that you, as a dairy owner or operator, received asking you to submit a Report of Waste Discharge (ROWD).

Who Are We?

Your dairy facility is located in the Central Valley of California. The regulatory agency responsible for water quality protection in the Central Valley is the California Regional Water Quality Control Board, Central Valley Region (Regional Board). This letter is sent to you because California Water Code Section 13260 requires any dairy handling waste that could affect surface water or groundwater quality to file a ROWD with the appropriate Regional Board.

Previous Communications with You

On 27 May 2003, the staff of this Regional Board wrote to you regarding your obligations to comply with California Water Code Section 13260 and the new federal and State regulations for protecting water quality. At that time, for all existing dairies we stated “*owners and/or operators of existing dairies are not expected to submit any information to the Regional Board until requested to do so.*” **This letter is that request to do so.**

In our 27 May 2003 letter to you, we also stated “*owners and/or operators who build a new dairy or expand their existing dairy are required to submit what is called a Report of Waste Discharge (ROWD) to the Regional Board at least 180 days prior to starting any new waste discharge or making any material change in the way waste is handled at an existing dairy.*” If you have expanded or are a new dairy since 27 May 2003, you should have already submitted the requested ROWD and only need to notify us that you have done so.

What Has Changed?

Two events occurred at approximately the same time in early 2003. First, the California Water Code was amended by State Senate Bill 390, which terminated existing waivers of Waste Discharge Requirements this Regional Board had used to regulate confined animal facilities. Second, the federal government enacted new regulations for certain types of confined animal facilities, mostly the larger ones (for instance, dairies with more than 700 milk cows). To have a consistent regulatory program for all dairy operators, the Regional Board directed staff to bring to the Regional Board for consideration a program to regulate all sizes of dairies and one that would satisfy both state and federal requirements.

To accomplish what the Regional Board asked for, staff released an Administrative Draft NPDES General Permit for Existing Milk Cow Dairies in late September of last year. That permit would have enabled all large dairies to comply with the new federal regulations as well as meet all state water quality protection requirements. The Regional Board held a workshop on the administrative draft last December.

The Regional Board received more than 300 pages of written comments in addition to four hours of testimony at the workshop. Since the December workshop, staff has been meeting with dairy industry representatives, environmental groups and others to resolve final permit revisions.

On 28 February 2005, a federal appellate court overturned or questioned several sections of the federal regulations that staff was using as a basis for the NPDES General Permit for Existing Milk Cow Dairies. Rather than continue to wait for further guidance on the federal process, staff is developing waste discharge requirements under the Porter-Cologne Water Quality Control Act (part of the California Water Code) and is continuing to seek input from the dairy industry, environmental groups and others to develop a water quality protection program that is framed around California needs and California conditions. The first step in this process is for you to file a ROWD with the Central Valley Regional Board as requested in our letter.

Where Can I Get Assistance in Filling This Out?

The California Dairy Quality Assurance Program and California Dairy Associations in cooperation with Central Valley Regional Board staff and others will be holding meetings to assist in completing this application process. Meeting dates and locations are being scheduled for your area. Please be sure to frequently check our website: http://www.swrcb.ca.gov/rwqcb5/available_documents/index.html#confined, and with your trade association, University of California Cooperative Extension and the California Dairy Quality Assurance Program. For more information please see the enclosed *List of Regional Board Contacts*, which provides staff contacts and the link to our Frequently Asked Questions webpage.

What Is the Next Step?

You are being asked today for general information about your dairy facility. To assure adequate protection of water quality, additional information will be needed. During the next several months, we will be asking you to provide more detailed information about your facility to assist us in evaluating (1) whether your operation presents a threat to water quality, and (2) how that can be avoided. In determining what detailed information is needed, we will work closely with the UC Cooperative Extension Service, dairy industry groups, and the California Dairy Quality Assurance Program. This will ensure that we get strong input from you and that the information provided by all dairies is consistent.

Our next request for information will focus on whether your facility has adequate capacity to store the wastewater generated at your facility, if your facility has adequate flood protection, and if the application of wastes from your facility to cropland is done at agronomic rates. We will expect you to look closely at your waste management practices and facilities to identify areas where improvements are needed. We urge you to work closely with your UC Cooperative Extension Service, dairy industry groups, private consultants and the California Dairy Quality Assurance Program when making these assessments to ensure that they are performed in a manner consistent with state regulatory requirements.